

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

TISSUE TECHNOLOGY LLC, *et al.*,

Plaintiffs,

v.

Case No. 14-C-1203

TAK INVESTMENTS LLC,

Defendant.

ORDER FOR AMENDED JUDGMENT

This matter comes before the court on Tak Investments, LLC's motion for a judgment awarding attorneys' fees and non-taxable costs and expenses. ECF No. 98. During a trial to the court on September 18–19, 2017, Tak Investments moved to amend its answer by adding an affirmative defense and/or counterclaim asserting that Plaintiffs agreed to jointly and severally indemnify and hold harmless Tak Investments under the terms of the parties' Final Business Terms Agreement. The court subsequently rendered its decision in a March 19, 2018 Decision and Order of Dismissal, which dismissed the case and directed entry of judgment in favor of Tak Investments. ECF No. 94. However, the court also granted Tak Investments' oral motion to amend, instructed that the amended affirmative defenses and counterclaim be filed within ten days, and authorized Tak Investments to seek its actual attorneys' fees and costs. *Id.* at 18.

Tak Investments timely filed its amended affirmative defenses and counterclaim on March 29, 2018. ECF No. 96. Thereafter, Tak Investments filed its motion to for attorneys' fees and non-taxable costs and expenses. ECF No. 98. Plaintiffs have responded to the counterclaim and motion for attorneys' fees, indicating that, although they object to the underlying decision and order for

dismissal, they do not object to the amount of attorneys' fees sought. ECF No. 102 ¶ 13; *see also* ECF No. 103 (letter stating that Plaintiffs take no position regarding Tak Investments' motion for attorneys' fees). Accordingly, Tak Investments' motion for attorneys' fees and non-taxable costs and expenses (ECF No. 98) will be **GRANTED**. The Clerk is directed to amend the judgment to include an award in Tak Investments' favor of attorneys' fees in the amount of \$181,695.50 and other non-taxable costs and expenses in the amount of \$6,288.93. The Clerk shall assess taxable costs in the usual manner.

SO ORDERED this 17th day of April, 2018.

s/ William C. Griesbach
William C. Griesbach, Chief Judge
United States District Court